

O 440 (Rev. 08/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

SUMMONS IN A CIVIL CASE

EDMUND SPINNEY, On Behalf of Himself
and All Others Similarly Situated,

Plaintiff,

vs.

Case Number: _____

00 - 133

GRAFTECH INTERNATIONAL LTD.,
CRAIG S. SHULAR, CORRADO F.
DEGASPERIS, PIETER J. BARNARD, AND
JOHN J. WETULA,

Defendants.

TO: GRAFTECH INTERNATIONAL LTD.
c/o The Corporation Trust Company
1209 Orange Street
Wilmington, DE 19801

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

Seth D. Rigrodsky (DSBA #3147)
Brian D. Long (DSBA #4347)
MILBERG WEISS BERSHAD & SCHULMAN LLP
919 N. Market St., Suite 980
Wilmington, DE 19801
Telephone: (302) 984-0597; Facsimile: (302) 984-0870

an answer to the complaint which is served on you with this summons, within **twenty (20)** days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties must be filed with the Clerk of this Court within a reasonable period of time after service.

PETER T. DALLEO

CLERK

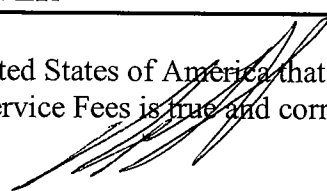
FEB 28 2006

Erin Wals

DATE

(BY) DEPUTY CLERK

AO 440 (Rev. 08/01) Summons in a Civil Action

| RETURN OF SERVICE | | |
|--|--------------------------------|---|
| Service of the Summons and Complaint was made by me ¹ | DATE <u>3/1/06</u> | |
| NAME OF SERVER (PRINT) <u>ROBERT SMITH</u> | TITLE <u>Process Server</u> | |
| <i>Check one box below to indicate appropriate method of service</i> | | |
| <input type="checkbox"/> Served personally upon the defendant. Place where served: _____ _____ | | |
| <input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left: _____ _____ | | |
| <input type="checkbox"/> Returned unexecuted: _____ _____ | | |
| <input checked="" type="checkbox"/> Other (specify): <u>PERSONALLY SERVED GRAFTech INTERNATIONAL LTD by</u> <u>SERVING ITS REGISTERED AGENT, THE CORPORATION TRUST CO AT 1209</u> <u>ORANGE ST, WILM DE 19801 AT 10:30AM PERSON ACCEPTING SERVICE:</u> <u>SCOTT LASCALA</u> | | |
| STATEMENT OF SERVICE FEES | | |
| Travel | Services | Total |
| | | |
| DECLARATION OF SERVER | | |
| I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct. | | |
| Executed on <u>3/1/06</u> Date | |  Signature of Server <u>PARCELS INC</u> <u>230 N MARKET ST, WILM DE 19801</u> Address of Server |

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.